

1 UNITED STATES OF AMERICA.
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF CALIFORNIA

4 HONORABLE THOMAS J. WHELAN
5 UNITED STATES DISTRICT JUDGE PRESIDING
6 - - -

6 UNITED STATES OF AMERICA,)
7)
8 PLAINTIFF,)
9)
10 VS.) NO.09CR1250-W
11)
12 PATRICK JONES,)
13 DOMINIQUE WILLIS,)
14)
15 DEFENDANTS.)
16 _____)

17 **SENTENCING**
18 REPORTER'S TRANSCRIPT OF PROCEEDINGS
19 **SEPTEMBER 13, 2010**
20 SAN DIEGO, CALIFORNIA

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11 ON BEHALF OF DEFENDANT JONES:

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17 ON BEHALF OF DEFENDANT WILLIS:

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1 SAN DIEGO, CALIFORNIA; MONDAY, SEPTEMBER 13, 2010

2 - - -

3 (COURT IN SESSION AT 9:00 A.M.)

4 MADAM CLERK: CASE NO. 09CR1250, UNITED STATES OF
5 AMERICA VERSUS PATRICK JONES AND DOMINIQUE WILLIS.

6 MS. MITCHELL: CANDIS MITCHELL, FEDERAL DEFENDERS,
7 FOR MS. WILLIS.

8 MR. BABCOCK: RUSSELL BABCOCK FOR MR. JONES.

9 MR. FORGE: JASON FORGE AND ALESSANDRA SERANO FOR
10 THE UNITED STATES.

11 MR. BABCOCK: YOUR HONOR, PATRICK JONES IS BEFORE
12 THE COURT. AS WELL AS THE CO-DEFENDANT, MS. WILLIS.

13 THE COURT: WE WILL START WITH YOUR CLIENT,
14 MR. BABCOCK. THIS MATTER IS ON CALENDAR FOR SENTENCING. DO
15 YOU WAIVE ARRAIGNMENT FOR JUDGMENT AND SENTENCE?

16 MR. BABCOCK: YES, SIR.

17 THE COURT: IS THERE ANY LEGAL CAUSE NOT TO
18 PROCEED?

19 MR. BABCOCK: NO, YOUR HONOR.

20 THE COURT: BY WAY OF BACKGROUND, I HAVE READ AND
21 CONSIDERED THE PRE-SENTENCE REPORT, THE GOVERNMENT'S SUMMARY
22 SENTENCING CHART, THE DEFENDANT'S SENTENCING MEMORANDUM, THE
23 DEFENDANT'S SENTENCING SUMMARY CHART, THE GOVERNMENT'S
24 EXHIBIT IN SUPPORT OF SENTENCING.

25 BY WAY OF A TENTATIVE, I WOULD NOT OPPOSE A TWO-

1 LEVEL UPWARD ADJUSTMENT FOR DISTRIBUTION OF SEXUAL MATERIAL.
2 THE GOVERNMENT APPARENTLY AGREES ALTHOUGH THEY DON'T SEEK IT
3 IN THEIR SENTENCING SUMMARY CHART. I DON'T FIND IT WOULD BE
4 APPLICABLE IN THIS CASE.

5 ALSO, I WOULD GIVE THE DEFENDANT A TWO-LEVEL
6 DOWNWARD ADJUSTMENT FOR ACCEPTANCE OF RESPONSIBILITY. I
7 CONCUR WITH THE DEFENSE AND THE GOVERNMENT ON THAT
8 STANDPOINT. AND I AGREE WITH THE PROBATION DEPARTMENT THAT
9 HIS CRIMINAL HISTORY CATEGORY IS THREE. HE HAS A CRIMINAL
10 HISTORY SCORE OF SIX, AND A CATEGORY OF THREE. THE
11 GOVERNMENT CONTENDS IT'S SEVEN AND FOUR. I DON'T KNOW WHAT
12 THEY BASE THAT ON.

13 I WOULD NOT DEPART UPWARDS FOR UNCHARGED CONDUCT AS
14 SOUGHT BY THE PROBATION DEPARTMENT. I AGREE WITH THE
15 GOVERNMENT THAT IT IS NOT WARRANTED.

16 THE GOVERNMENT SUGGESTS I GO TO THE HIGH END OF THE
17 RANGE. THE DEFENSE REQUESTS I GO TO THE MANDATORY MINIMUM.
18 THE GUIDELINE RANGE IS A CATEGORY THREE, 180 TO 210 MONTHS.
19 I WOULD GO TO THE MANDATORY MINIMUM WHICH IS 180 MONTHS. I
20 WILL RUN COUNTS ONE AND TWO CONCURRENT WITH EACH OTHER.

21 MR. BABCOCK: YOUR HONOR, I WILL BE VERY BRIEF IN
22 LIGHT OF THE COURT'S REMARKS AND THE PAPERS I'VE ALREADY
23 SUBMITTED TO THE COURT.

24 WE ALREADY KNOW THE FACTS OF THIS TRAGIC CASE. I
25 WON'T GO INTO IT. SUFFICE IT TO SAY, I KNOW MY CLIENT IS

1 GOING TO WANT TO ADDRESS THE COURT. HE IS TRULY REMORSEFUL
2 AND SORRY FOR THE FACT, ESPECIALLY THIS INVOLVED A
3 14-YEAR-OLD INDIVIDUAL. HE WAS NOT AWARE OF THAT. HE HAD
4 BEEN DRINKING THAT EVENING AND IT WAS JUST A VERY, VERY BAD
5 EVENING. THIS BASICALLY HAD TRAGIC EFFECTS ON EVERYONE IN
6 THIS PARTICULAR CASE.

7 I WOULD ALSO BRING TO THE COURT'S ATTENTION, BUT
8 THE COURT ALREADY KNOWS THAT MR. JONES WAS ONLY 21 YEARS OLD
9 AT THE TIME OF THIS CONDUCT. HE WAS A VERY YOUNG MAN.

10 PRESENT IN THE COURTROOM IS HIS MOTHER, MS. JONES.
11 YOU MET HER PREVIOUSLY. AND ALSO HIS SISTER, JASMINE IS HERE
12 IN COURT TO SUPPORT PATRICK.

13 WHAT WE ARE GOING TO BE REQUESTING IN THIS CASE IS
14 MR. JONES VERY PRUDENTLY UNDERSTANDS THAT HE HAS TO PUT HIS
15 LIFE COMPLETELY TOGETHER, AND HIS LIFE HAS BEEN SHATTERED
16 HERE IN SAN DIEGO. HE WANTS TO START OVER. HE WANTS TO
17 LEAVE THE SAN DIEGO AREA. HE IS REQUESTING SPECIFICALLY THE
18 COURT MAKE THE JUDICIAL RECOMMENDATION THAT HE BE HOUSED IN A
19 FEDERAL FACILITY IN GEORGIA. ATLANTA, GEORGIA. I'VE LOOKED
20 INTO THAT IN THE PRISON GUIDELINE BOOK, AND IT HAS EVERYTHING
21 FROM HIGH TO LOW CUSTODY. IT HAS VOCATIONAL PROGRAMS.
22 MR. JONES HAS FAMILY IN THAT AREA. HE WANTS TO COMPLETELY
23 LEAVE THE SAN DIEGO AREA AND START A NEW LIFE AND IS VERY
24 REASONABLE UNDER THE CIRCUMSTANCES.

25 I PLAN TO FILE A NOTICE OF APPEAL ON BEHALF OF

1 MR. JONES AND REQUEST TO BE RELIEVED AND A NEW ATTORNEY BE
2 APPOINTED. DUE TO THE SERIOUSNESS OF THE CASE, I THINK
3 SOMEBODY SHOULD LOOK OVER MY WORK AS WELL AND MAKE SURE I DID
4 EVERYTHING CORRECT ON BEHALF OF MR. JONES.

5 ON THAT, I SUBMIT. MR. JONES HAS A FEW REMARKS
6 THAT HE WOULD LIKE TO MAKE TO THE COURT.

7 THE COURT: CERTAINLY. MR. JONES, YOU DON'T HAVE
8 TO SAY ANYTHING, IT'S ENTIRELY UP TO YOU.

9 DEFT. JONES: FIRST, I WANT TO SAY THANK YOU FOR
10 GIVING ME THIS OPPORTUNITY TO SPEAK.

11 THE COURT: CERTAINLY.

12 DEFT. JONES: I'M NOT GOING TO SIT HERE AND MAKE
13 ANY EXCUSES FOR MY ACTIONS TONIGHT. BUT I KNOW FROM THIS DAY
14 FORWARD THAT I PLAN ON REALLY CHANGING MY WHOLE ASPECT OF
15 LIFE. I MEAN, THIS HAS REALLY BEEN A REAL NIGHTMARE FOR ME.
16 I DON'T -- I KIND OF REALLY JUST THINK ABOUT WHAT I'M GOING
17 TO DO WHEN I GET OUT OF HERE, WHEN THIS IS ALL OVER AND SAID
18 AND DONE, AND I'M GOING TO TAKE EVERY OPPORTUNITY THAT I CAN
19 TO BETTER MYSELF WHILE I'M LOCKED UP. I JUST WANT THE COURT
20 TO KNOW THAT I AM VERY REMORSEFUL. I JUST -- RIGHT NOW, I'M
21 AT A LOSS FOR WORDS. I'M SORRY.

22 THE COURT: THAT'S OKAY. THANK YOU, SIR.
23 MR. FORGE.

24 MR. FORGE: THANK YOU, YOUR HONOR.

25 YOUR HONOR, FIRST OF ALL, IN TERMS OF THE

1 GUIDELINES CALCULATIONS, I WANT TO MAKE SURE THE COURT IS
2 AWARE THE GOVERNMENT IS CORRECT, IT'S A CRIMINAL HISTORY
3 CATEGORY FOUR. THE PROBATION OFFICE AGREED THE INITIAL
4 CALCULATION WAS ERRONEOUS. THE PROBATION OFFICER CORRECTED
5 THE ERROR AND ADDED A POINT FOR RECENCY. AND THAT IS
6 ADDRESSED INTO THE ADDENDUM TO THE PRE-SENTENCE REPORT.

7 THE COURT: I DON'T HAVE THE ADDENDUM. THAT'S THE
8 PROBLEM.

9 MR. FORGE: I THINK THE PROBATION OFFICER HAS A
10 COPY OF THE ADDENDUM FOR YOUR HONOR.

11 THE COURT: GIVE MY JUST A MINUTE TO READ IT.

12 (COURT PERUSING DOCUMENT.)

13 THE COURT: ALL RIGHT. I REVIEWED THE ADDENDUM. I
14 WILL RETURN THIS TO THE PROBATION OFFICER. I CONCUR THAT THE
15 TERM OF THE CRIMINAL HISTORY CATEGORY IS FOUR AND CRIMINAL
16 HISTORY CATEGORY SEVEN.

17 MR. FORGE: THANK YOU, YOUR HONOR. THE GOVERNMENT
18 IS NOT ADVOCATING A MECHANICAL SENTENCE HERE. THE GUIDELINES
19 NEED TO BE CALCULATED CORRECTLY, BUT THIS IS THE LAST CASE
20 THAT SHOULD BE SENTENCED BASED ON A STRICTLY MECHANICAL
21 APPLICATION OF THE GUIDELINES, BECAUSE THIS IS A CASE THAT,
22 MORE THAN PRETTY MUCH ANY OTHER CASE IN THIS DISTRICT, HAS A
23 VERY HUMAN ELEMENT. AND IT'S TELLING THAT NEITHER MR. JONES
24 NOR MR. BABCOCK MADE ANY MENTION OF THE VICTIM IN THIS CASE.
25 THIS WAS NOT THE FIRST TIME MR. JONES WAS INVOLVED IN

1 PROSTITUTING A 14 YEAR OLD. IT WAS NOT EVEN THE FIRST TIME
2 THAT YEAR THAT JONES WAS INVOLVED IN PROSTITUTING A 14 YEAR
3 OLD.

4 AND I KNOW THAT HE PRESENTED HIMSELF AS SOMEBODY
5 INVOLVED IN THE PIMPING BUSINESS, AND THAT MAYBE STERILIZES
6 WHAT'S REALLY GOING ON HERE. WHAT'S REALLY GOING ON HERE IS
7 THE RAPE OR ATTEMPTED RAPE OF UNDERAGED GIRLS. AND THAT'S
8 WHAT MR. JONES AND MS. WILLIS, AND THE OTHERS WERE UP TO THAT
9 NIGHT. THEY WERE ATTEMPTING TO FORCE A 14-YEAR-OLD-GIRL TO
10 HAVE SEX WITH MEN WILLING TO PAY TO DO SO. AND THAT'S WHAT
11 THIS CASE HAS ALWAYS BEEN ABOUT. AND THAT'S WHAT IT REMAINS
12 ABOUT TODAY.

13 NOW, WE DID RECOMMEND ACCEPTANCE OF RESPONSIBILITY
14 BECAUSE IT'S A TECHNICAL MATTER. MR. JONES DID ADMIT ALL
15 ELEMENTS WHEN HE TESTIFIED, BUT HE ACCEPTED RESPONSIBILITY
16 ONLY AS A TECHNICAL MATTER. THE REALITY IS HE HAS YET TO
17 ACKNOWLEDGE THAT THEY WERE ALL AWARE THAT THIS GIRL WAS
18 UNDERAGE, AND THEY WERE AWARE OF IT.

19 BY THE TIME SHE IS BAWLING IN THAT MOTEL ROOM, THEY
20 ARE ALL AWARE THAT SHE IS UNDERAGE. AND INSTEAD OF SAYING
21 I'M IN THE ADULT PIMPING BUSINESS, MR. JONES SHIFTED TO A
22 MODE VERY FAMILIAR TO HIM OF PHYSICALLY ASSAULTING AND
23 FORCING THIS UNDERAGE GIRL TO HAVE SEX WITH MEN.

24 NOW, FORTUNATELY SHE ESCAPED BEFORE THEY WERE ABLE
25 TO COMPLETE ANY ONE OF THOSE TRANSACTIONS. BUT THE INTENT

1 WAS THERE. AND THEY HID EVERYTHING THEY COULD TO MAKE THAT
2 HAPPEN.

3 SO, THE REASON WHY THE GOVERNMENT IS RECOMMENDING A
4 210 MONTH SENTENCE, YOUR HONOR, NO. 1, THIS WAS NOT THE FIRST
5 TIME MR. JONES WAS INVOLVED IN THIS TYPE OF CONDUCT INVOLVING
6 A 14 YEAR OLD. THIS WAS AT LEAST THE SECOND TIME THAT YEAR.

7 THIS WAS ALSO NOT THE FIRST TIME HE WAS INVOLVED
8 WITH THE PHYSICAL VIOLENCE AGAINST A 14 YEAR OLD TO FORCE HER
9 TO HAVE SEX WITH MEN. THIS WAS AT LEAST THE SECOND TIME THAT
10 YEAR. HE WAS, BY HIS OWN ACKNOWLEDGEMENT, A PROFESSIONAL
11 PIMP. THAT'S WHAT HE DID. THAT WAS HIS EXISTENCE.

12 NOW, HE MAY CHANGE THAT ASPECT OF HIS LIFE ONCE HE
13 IS OUT OF PRISON, THAT PLAN TO CHANGE CAN'T AVOID THE
14 CONSEQUENCES OF WHAT OCCURRED THAT NIGHT. AND WE JUST THINK
15 THAT THE SERIOUSNESS OF THIS OFFENSE, THE PHYSICAL VIOLENCE
16 AGAINST THE VICTIM, AND MR. JONES' REPEATED CONDUCT ALONG
17 THOSE LINES WARRANT A SENTENCE OF 210 MONTHS. THANK YOU.

18 THE COURT: THANK YOU.

19 MR. BABCOCK: YOUR HONOR, MAY I BRIEFLY RESPOND TO
20 THAT?

21 THE COURT: CERTAINLY.

22 MR. BABCOCK: THE COURT HEARD THE GUTS OF THE CASE
23 THROUGH THE TESTIMONY OF MY CLIENT, AS WELL AS MS. DORROUGH.
24 I THINK IT'S VERY CLEAR WHILE MY CLIENT'S CONDUCT WAS VERY
25 BAD THAT NIGHT, HE DID NOT STRIKE THE VICTIM, WAS NOT

1 INVOLVED IN BEATING HER. IT WAS THE TWO WOMEN THAT DID THAT.
2 HE WAS NOT INVOLVED IN HER WALKING THE BLADE AT ALL THAT
3 EVENING. BASICALLY HE WAS THERE ASSISTING IN THE PHOTOGRAPHY
4 AND IN THE POSING, AND WHILE THAT'S WRONG, IT CERTAINLY IS
5 NOT AS DESPICABLE AS THE COMMENT OF STRIKING THE GIRL IN THE
6 FACE AS THE OTHER CO-DEFENDANTS DID IN THIS CASE.

7 IN ANY EVENT, WE DON'T WANT TO REHASH THE FACTS TOO
8 MUCH. MR. JONES REALIZES THAT HIS CONDUCT WAS HORRIBLE ON
9 HIS BEHALF. HE IS SINCERELY REMORSEFUL. HE WANTS TO CHANGE.
10 FIFTEEN YEARS IS A TOUGH, TOUGH SENTENCE. IT'S A HARD
11 SENTENCE TO DEAL WITH. IT'S AKIN TO WHAT DRUG DEALERS, LARGE
12 DRUG DEALERS GET, DRUG LORDS EVEN, AND I THINK IT'S CERTAINLY
13 SUFFICIENT TO GET ACROSS THE MESSAGE TO MR. JONES. HE NEEDS
14 TO BE GIVEN SOME OPPORTUNITY, SOME CHANCE TO REHABILITATE IN
15 THIS CASE.

16 ONE OTHER THING I WANT TO MENTION, YOUR HONOR,
17 MR. FORGE AND I DISCUSSED THE ISSUE AND WE ARE IN AGREEMENT
18 THAT MR. JONES SHOULD RECEIVE CREDIT FOR THE TIME PERIOD THAT
19 HE RECEIVED ON THE STATE SIDE. HE WAS NOT IN CUSTODY FOR THE
20 MATTER OFFENSES. HE WAS HELD OVER THERE FOR A SUBSTANTIAL
21 PERIOD BEFORE HE WAS FINALLY CHARGED HERE IN FEDERAL COURT.

22 SO, THE NEW GUIDELINE RANGE, YOUR HONOR, WOULD BE
23 168 TO 210 MONTHS. THE 180 MONTHS FALLS PRETTY MUCH IN THE
24 MIDDLE OF THAT. A LITTLE BIT ON THE LOWER END, AND I THINK
25 IT IS ABSOLUTELY REASONABLE UNDER THESE CIRCUMSTANCES.

1 I WOULD RECOMMEND AGAIN, YOUR HONOR, THAT HE BE
2 DESIGNATED, IF POSSIBLE, TO THE PRISON IN ATLANTA, GEORGIA.
3 AND BE GIVEN CREDIT FOR TIME SERVED IN THIS CASE. 15 YEARS
4 IS CERTAINLY ENOUGH, IT IS NOT TOO MUCH.

5 THE COURT: FIRST OF ALL, I THINK THE GUIDELINE IS
6 180 TO 210 MONTHS. THE ADJUSTED OFFENSE LEVEL IS 32,
7 CRIMINAL HISTORY CATEGORY FOUR.

8 MR. FORGE: THAT'S RIGHT, YOUR HONOR. BECAUSE OF
9 THE MANDATORY MINIMUM. I THINK MR. BABCOCK IS JUST LOOKING
10 AT THE GUIDELINE TABLE. YOUR HONOR IS CORRECT, THE LOW END
11 BECOMES THE MANDATORY MINIMUM.

12 THE COURT: I SEE WHAT YOU WERE DOING.

13 MR. BABCOCK: YES, SIR.

14 THE COURT: OKAY. WELL, THIS CASE WAS TRAGIC FROM
15 START TO FINISH. IT'S UNUSUAL FROM THE STANDPOINT THAT IT'S
16 RARE THAT WE DON'T HAVE THE VICTIM TESTIFY IN A CASE LIKE
17 THIS. BUT I UNDERSTAND THE REASONS THAT THE VICTIM DIDN'T
18 TESTIFY, WHICH HAS NOTHING TO DO WITH THE SUFFICIENCY OF THE
19 RECORD FROM MY STANDPOINT. BUT CERTAINLY SOMETHING I CAN
20 CONSIDER IN IMPOSING A SENTENCE. AND I THINK THAT THE
21 SENTENCE OF 180 MONTHS, IN THIS PARTICULAR, BASED ON HIS AGE,
22 WOULD BE SUFFICIENT BUT NOT GREATER THAN NECESSARY.

23 THE GOVERNMENT, I ASSUME, WOULD HAVE NO OBJECTION
24 TO ME RECOMMENDING HE BE HOUSED IN THE SOUTHEAST REGION,
25 WHICH IS GEORGIA?

1 MR. FORGE: THAT'S CORRECT, NO OBJECTION.

2 THE COURT: I WILL MAKE THAT RECOMMENDATION,
3 MR. BABCOCK. GEORGIA IS THE SOUTHEAST REGION. ANYTHING
4 FURTHER?

5 MR. BABCOCK: THE ONLY OTHER THING, YOUR HONOR,
6 THAT THE DEFENDANT RECEIVE CUSTODY CREDITS WHILE ON THE STATE
7 SIDE.

8 THE COURT: THAT I DON'T KNOW HOW I CAN DO THAT
9 UNLESS SOMEBODY CAN TELL ME THE EXACT NUMBERS OF DAYS HE IS
10 ENTITLED TO AS OF TODAY, INCLUDING THEN. I HAVE NO WAY OF
11 COMPUTING THOSE INDEPENDENTLY.

12 MR. BABCOCK: HE WAS ARRESTED SEPTEMBER 30, 2008,
13 YOUR HONOR. I CAN SUBMIT SOMETHING LATER ON, IF YOU WANT US
14 TO CALCULATE THE DAYS?

15 THE COURT: MR. FORGE, DO YOU, BY CHANCE, KNOW THE
16 NUMBER OF DAYS?

17 MR. FORGE: I DON'T KNOW THE NUMBER OF DAYS, YOUR
18 HONOR, BUT I THINK THAT'S SOMETHING THE BOP CALCULATES
19 ANYHOW. YOUR HONOR SIMPLY INDICATES THE DEFENDANT SHOULD
20 RECEIVE CREDIT FOR TIME IN STATE CUSTODY BEFORE BEING
21 TRANSFERRED TO FEDERAL CUSTODY.

22 THE COURT: DO YOU AGREE HE WAS IN CUSTODY IN THIS
23 CASE ON SEPTEMBER 30, 2008?

24 MR. FORGE: YES, I DO, YOUR HONOR.

25 THE COURT: I CAN DO IT THAT WAY, MR. BABCOCK, IS

1 THAT AGREEABLE?

2 MR. BABCOCK: YES, YOUR HONOR.

3 THE COURT: ANYTHING ELSE BEFORE WE PROCEED?

4 MR. FORGE: NO, YOUR HONOR.

5 THE COURT: IN THIS MATTER, THE COURT FINDS FOR
6 ADVISORY PURPOSES UNDER THE GUIDELINES, THE BASE OFFENSE
7 LEVEL IS 32. BECAUSE THE MINOR WAS UNDER THE AGE OF 16
8 YEARS, THE BASE OFFENSE LEVEL IS INCREASED BY TWO. I WOULD
9 ADJUST THAT DOWNWARD TWO LEVELS FOR HIS ACCEPTANCE OF
10 RESPONSIBILITY PURSUANT TO GUIDELINE SECTION 3(E)1.1.

11 THAT GIVES ME AN ADJUSTED OFFENSE LEVEL OF 32, A
12 CRIMINAL HISTORY SCORE OF SEVEN, A CRIMINAL HISTORY CATEGORY
13 OF FOUR. AS MR. BABCOCK INDICATES, THE ADVISORY GUIDELINE
14 RANGE WOULD BE 168 TO 210 MONTHS. AS A PRACTICAL MATTER,
15 THERE IS A MANDATORY MINIMUM ON COUNT ONE OF 180 MONTHS. THE
16 GUIDELINE RANGE WOULD BE 180 MONTHS TO 210 MONTHS. MINDFUL
17 OF THE FACT THAT THE STATUTORY MAXIMUM FOR THE OFFENSE
18 CHARGED IN COUNT ONE IS UP TO 30 YEARS IN PRISON, WITH A
19 MANDATORY MINIMUM OF 15 YEARS. THE DEFENDANT IS CHARGED IN
20 COUNT TWO WITH A MANDATORY MINIMUM OF TEN YEARS WITH A
21 MAXIMUM SENTENCE UP TO LIFE IN PRISON. AND REVIEWING THE
22 CRITERIA SET FORTH IN TITLE 18, SECTION 3553(A), I'D FIND
23 THAT THE MANDATORY MINIMUM FOR COUNT ONE WOULD RUN CONCURRENT
24 AS TO BOTH COUNTS AND WOULD BE SUFFICIENT BUT NOT GREATER
25 THAN NECESSARY.

1 THEREFORE, PURSUANT TO THE SENTENCING REFORM ACT OF
2 1984, IT WOULD BE THE JUDGMENT AND SENTENCE OF THIS COURT
3 THAT THE DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY
4 OF THE BUREAU OF PRISONS FOR A TERM OF IMPRISONMENT OF 180
5 MONTHS ON COUNT ONE, 180 MONTHS ON COUNT TWO. THOSE TERMS
6 ARE TO RUN CONCURRENT WITH EACH OTHER FOR A TOTAL OF 180
7 MONTHS IN CUSTODY.

8 A STATUTORY FINE IS NOT IMPOSED DUE TO HIS
9 INABILITY TO PAY. I WILL IMPOSE A MANDATORY SPECIAL
10 ASSESSMENT OF \$100 PER COUNT FOR A TOTAL OF A \$200 SPECIAL
11 ASSESSMENT.

12 I WILL ORDER THAT HE PAY RESTITUTION IN THE AMOUNT
13 OF \$2,160 JOINTLY AND SEVERALLY WITH THE CO-DEFENDANTS, TO
14 THE CLERK OF THE US DISTRICT COURT, TO THE CALIFORNIA VICTIMS
15 COMPENSATION GOVERNMENT CLAIMS BOARD. THAT AMOUNT IS PAYABLE
16 FORTHWITH OR THROUGH THE INMATE FINANCIAL RESPONSIBILITY
17 PROGRAM AT A RATE OF \$25 PER QUATER DURING YOUR PERIOD OF
18 INCARCERATION. THE PAYMENT OF ANY REMAINING BALANCE IS TO BE
19 MADE FOLLOWING DEFENDANT'S RELEASE FROM PRISON AT THE RATE OF
20 \$200 OR MORE PER MONTH.

21 I WILL RECOMMEND TO THE BUREAU OF PRISONS THAT HE
22 BE HOUSED IN THE GEORGIA SOUTHEAST REGION.

23 FOLLOWING YOUR RELEASE FROM CUSTODY, MR. JONES, YOU
24 ARE ON SUPERVISED RELEASE FOR A PERIOD OF TEN YEARS AS TO
25 EACH COUNT. THOSE TERMS ARE TO RUN CONCURRENT WITH EACH

1 OTHER.

2 I WILL IMPOSE ALL THE STANDARD TERMS AND CONDITIONS
3 OF SUPERVISION AND THE FOLLOWING SPECIAL CONDITIONS.

4 FIRST, YOU ARE TO PARTICIPATE IN A PROGRAM OF DRUG
5 AND ALCOHOL ABUSE COUNSELING -- DRUG AND ALCOHOL ABUSE
6 TREATMENT, INCLUDING URINALYSIS TESTING AND COUNSELING AS
7 DIRECTED BY YOUR SUPERVISING PROBATION OFFICER.

8 YOU ARE TO REPORT ALL VEHICLES THAT YOU OWN OR
9 OPERATE OR IN WHICH YOU HAVE AN INTEREST TO YOUR PROBATION
10 OFFICER.

11 YOU ARE TO SUBMIT TO A SEARCH OF YOUR PERSON,
12 PROPERTY, PLACE OF RESIDENCE, VEHICLE, AND PERSONAL EFFECTS
13 WHENEVER REQUESTED TO DO SO AT A REASONABLE TIME AND
14 REASONABLE MANNER BY A PROBATION OFFICER OR LAW ENFORCEMENT
15 OFFICER.

16 YOU ARE TO COMPLETE A SEX OFFENDER EVALUATION,
17 WHICH MAY INCLUDE PERIODIC PSYCHOLOGICAL OR PHYSIOLOGICAL
18 TESTING AND THE COMPLETION OF AN ABEL ASSESSMENT AT THE
19 DIRECTION OF THE PROBATION OFFICER.

20 THAT YOU PARTICIPATE AND SUCCESSFULLY COMPLETE AN
21 APPROVED STATE CERTIFIED SEX OFFENDER TREATMENT PROGRAM.
22 INCLUDING COMPLIANCE WITH ALL LIFESTYLE RESTRICTIONS AND
23 TREATMENT PLANS AND PROGRAMS.

24 YOU ARE NOT TO HAVE ANY UNSUPERVISED CONTACT WITH A
25 CHILD UNDER THE AGE OF 18, UNLESS IN THE PRESENCE OF A

1 SUPERVISING ADULT WHO IS AWARE OF HIS CONVICTION AND ALSO
2 WITH PRIOR APPROVAL OF HIS SUPERVISING PROBATION OFFICER.

3 YOU ARE NOT TO HAVE ANY CONTACT, DIRECT OR
4 INDIRECT, TELEPHONICALLY, VISUALLY OR VERBALLY, THROUGH
5 WRITTEN MATERIAL OR ANY THIRD PARTY COMMUNICATION WITH THE
6 VICTIM OR THE VICTIM'S FAMILY WITHOUT THE APPROVAL OF THE
7 PROBATION OFFICER.

8 DON'T ASSOCIATE WITH OR HAVE ANY CONTACT WITH SEX
9 OFFENDERS UNLESS IN AN APPROVED TREATMENT COUNSELING SETTING.

10 DON'T BE EMPLOYED OR PARTICIPATE IN ANY VOLUNTEER
11 ACTIVITY THAT INCLUDES CONTACT WITH CHILDREN UNDER THE AGE OF
12 18, EXCEPT UNDER CIRCUMSTANCES THAT ARE APPROVED IN ADVANCE
13 AND IN WRITING BY YOUR PROBATION OFFICER.

14 DON'T ACCEPT AND COMMENCE EMPLOYMENT WITHOUT THE
15 PRIOR APPROVAL OF YOUR PROBATION OFFICER. AND EMPLOYMENT
16 SHOULD BE SUBJECT TO CONTINUOUS REVIEW AND ASSESSMENT OF THE
17 PROBATION DEPARTMENT.

18 CONSENT TO THIRD PARTY DISCLOSURE WITH ANY EMPLOYER
19 OR POTENTIAL EMPLOYER CONCERNING ANY RESTRICTIONS IMPOSED BY
20 THE COURT TODAY.

21 YOU ARE TO RESIDE IN A RESIDENCE APPROVED IN
22 ADVANCE BY YOUR PROBATION OFFICER AND ANY CHANGES IN YOUR
23 RESIDENCE SHALL BE PRE-APPROVED BY YOUR PROBATION OFFICER.

24 YOU ARE TO CONSENT TO THE INSTALLATION OF SYSTEMS
25 THAT WILL ENABLE THE PROBATION OFFICER TO MONITOR COMPUTER

1 USE OR ANY COMPUTER OWNED OR CONTROLLED BY YOU.

2 YOU WOULD BE REQUIRED TO PAY THE COST OF THE
3 INSTALLATION OF THE COMPUTER SOFTWARE.

4 AND ALSO, AS YOU ARE AWARE, MR. JONES, THE OFFENSE
5 YOU WERE CONVICTED OF REQUIRES THAT YOU REGISTER AS A SEX
6 OFFENDER IN ANY STATE WHICH YOU RESIDE, FOR THE REST OF YOUR
7 LIFE.

8 IT'S MY DUTY, SIR, TO ADVISE YOU OF YOUR RIGHT TO
9 APPEAL. I KNOW MR. BABCOCK INDICATES HE IS GOING TO FILE AN
10 APPEAL FOR YOU, BUT LET ME TELL YOU OF THESE ANYWAY, OKAY?

11 DEFT. JONES: YES, SIR.

12 THE COURT: IT IS MY DUTY AT THIS TIME TO ADVISE
13 YOU OF YOUR APPEAL RIGHTS. YOU HAVE AN ABSOLUTE RIGHT TO
14 APPEAL FROM THE JUDGEMENT OF THE COURT IMPOSING SENTENCE ON
15 YOU TODAY. THAT MEANS IF YOU WISH TO APPEAL, YOU MUST FILE
16 YOUR WRITTEN NOTICE OF YOUR INTENT TO APPEAL WITHIN 14 DAYS
17 FROM THE TIME JUDGMENT IS ENTERED. THAT NOTICE MUST BE IN
18 WRITING AND SIGNED BY YOU OR YOUR ATTORNEY OR BOTH OF YOU.
19 IT MUST SPECIFY WHAT IT IS YOU ARE APPEALING FROM, WHETHER IT
20 IS FROM THE WHOLE JUDGMENT OR PART OF THE JUDGMENT.

21 IF YOU DO APPEAL, YOU HAVE THE RIGHT TO A COMPLETE
22 TRANSCRIPT OF THE TRIAL PROCEEDINGS.

23 IF YOU APPEAL AND DO NOT HAVE THE FINANCIAL ABILITY
24 TO RETAIN THE SERVICES OF AN ATTORNEY TO REPRESENT YOU ON
25 APPEAL, THE APPELLATE AUTHORITIES WILL APPOINT COUNSEL TO

1 REPRESENT YOU.

2 IN THAT REGARD, IT'S YOUR OBLIGATION TO KEEP THE
3 APPELLATE AUTHORITIES ADVISED AT ALL TIMES OF YOUR CURRENT
4 ADDRESS SO THEY CAN BE IN TOUCH WITH YOU TO ADVISE YOU OF
5 YOUR APPOINTED COUNSEL.

6 DO YOU UNDERSTAND WHAT I JUST TOLD YOU, SIR?

7 DEFT. JONES: YES, SIR.

8 THE COURT: DO YOU UNDERSTAND THAT UNLESS YOU FILE
9 YOUR WRITTEN NOTICE OF YOUR INTENT TO APPEAL IN THIS COURT
10 AND NOT IN THE APPELLATE COURT WITHIN 14 DAYS FROM THE DATE
11 JUDGMENT WAS ENTERED YOU WOULD LOSE THAT RIGHT FOREVER?

12 DEFT. JONES: YES, SIR.

13 THE COURT: IS THERE ANY QUESTIONS YOU WANT TO ASK
14 ME ABOUT YOUR APPEAL RIGHTS?

15 DEFT. JONES: NO, SIR.

16 THE COURT: DO YOU UNDERSTAND THEM?

17 DEFT. JONES: YES, SIR.

18 THE COURT: GOOD LUCK TO YOU, SIR.

19 MR. BABCOCK: YOUR HONOR, UPON MY REPRESENTATION, I
20 WILL BE FILING A NOTICE OF APPEAL. I ALSO WILL BE REQUESTING
21 TO BE RELIEVED AND THAT MAGISTRATE PORTER APPOINT COUNSEL ON
22 APPEAL.

23 THE COURT: THAT WILL HAPPEN.

24 MR. BABCOCK: THANK YOU.

25 THE COURT: MS. MITCHELL, WITH REGARD TO

1 MS. WILLIS?

2 MS. MITCHELL: YOUR HONOR, APOLOGIZE TO THE COURT
3 FOR TURNING OVER THE SENTENCING DOCUMENTS SO LATE IN THE DAY
4 ON FRIDAY. MS. WILLIS WAS PROVIDING ME ADDITIONAL DOCUMENTS
5 THAT I JUST RECEIVED IN THE MAIL LATER ON IN THE AFTERNOON,
6 BUT I DIDN'T HAVE A CHANCE TO CONCLUDE THERE, SO I WILL
7 SUMMARIZE THOSE DOCUMENTS FOR THE COURT.

8 THE COURT: I READ THEM.

9 MS. MITCHELL: THANK YOU, YOUR HONOR. WITH REGARD
10 TO MS. WILLIS, I WON'T REHASH WHAT'S ALREADY THERE IN THE
11 PAPERWORK. WE ARE REQUESTING AN 84-MONTH SENTENCE.

12 THE COURT: LET ME BACK UP AND MAKE A RECORD OF
13 WHAT WE ARE DOING HERE FIRST.

14 WITH REGARD TO THE SENTENCING, THE MATTER IS ON
15 CALENDAR FOR SENTENCING, DO YOU WAIVE ARRAIGNMENT FOR
16 JUDGMENT AND SENTENCE?

17 MS. MITCHELL: YES, YOUR HONOR.

18 THE COURT: IS THERE ANY LEGAL CAUSE NOT TO
19 PROCEED?

20 MS. MITCHELL: NO, YOUR HONOR.

21 THE COURT: BY WAY OF BACKGROUND IN HER CASE, I
22 HAVE READ THE CRIMINAL HISTORY REPORT PREPARED BY THE
23 PROBATION DEPARTMENT. THE PLEA AGREEMENT -- THE SECONDARY
24 AGREEMENT, I SHOULD INDICATE, BETWEEN THE PARTIES. THE
25 GOVERNMENT'S SENTENCING CHART, THE DEFENDANT'S SENTENCING

1 MEMORANDUM, WHICH I ORDERED FILED UNDER SEAL BASED ON THE
2 NATURE OF THE CONTENTS, ALONG WITH THE ATTACHMENTS. I ASSUME
3 THAT'S WHAT YOU WERE REFERRING TO?

4 MS. MITCHELL: YES, YOUR HONOR.

5 THE COURT: AS THE PARTIES ARE AWARE, THERE WAS NO
6 PRE-SENTENCE REPORT IN THIS CASE. BUT THE PARTIES AGREE ON
7 THE GUIDELINE CALCULATIONS. THE PARTIES ALSO AGREE ON A
8 CRIMINAL HISTORY CATEGORY. AND THE PARTIES TO THE PLEA
9 AGREEMENT ALSO AGREE THAT MS. MITCHELL CAN ASK FOR A SENTENCE
10 THAT'S (INAUDIBLE) THE BEST WAY TO PUT IT, OF 84 MONTHS.

11 LET ME STATE A FEW THOUGHTS ON THIS AND I'M HAPPY
12 TO LISTEN TO EVERYBODY. FIRST OF ALL, I HAVE NO PROBLEM
13 GIVING MS. WILLIS A COMBINATION OF FACTORS DEPARTURE OF TWO
14 OR THREE, MAYBE EVEN FOUR LEVELS. PROBABLY THREE LEVELS, FOR
15 THE FOLLOWING REASONS.

16 IT IS CLEAR TO ME FROM TRIAL TESTIMONY, AS WELL AS
17 THE PLEAS OF THE CO-DEFENDANTS, SHE IS THE LEAST CULPABLE OF
18 THE FOUR DEFENDANTS. AND IN ORDER TO PREVENT DISPARITY OF
19 SENTENCING, I THINK A COMBINATION OF FACTORS DEPARTURE WOULD
20 BE APPROPRIATE.

21 SHE DOESN'T HAVE A HISTORY OF SIMILAR TYPE CONDUCT
22 AS HER CO-DEFENDANTS HAD. THE PLEA AGREEMENT OBVIOUSLY
23 CONTEMPLATES SOME TYPE OF ADJUSTMENT FROM THE GUIDELINES, AND
24 I ALSO WOULD NOTE THE GOVERNMENT GAVE HER FURTHER
25 CONSIDERATION BY LETTING HER WITHDRAW HER ORIGINALLY ENTERED

1 PLEA SO SHE COULD PLEAD TO A NON-REGISTRABLE OFFENSE. THE
2 PROBLEM I HAVE IS THAT I DON'T HAVE A PRE-SENTENCE REPORT, SO
3 I AM KIND OF IN THE DARK AS TO A BASIS TO REALLY DO TOO MUCH
4 UNLESS THE PARTIES SOMEHOW WANT TO AGREE, I DON'T KNOW, ON A
5 GOVERNMENT MOTION. I MAY HAVE TO ORDER A PRE-SENTENCE
6 REPORT.

7 MY TENTATIVE WOULD BE TO GIVE HER THREE LEVELS OFF
8 FOR A COMBINATION OF FACTORS. THAT WOULD TAKE HER TO A
9 GUIDELINE RANGE OF 97 TO 121 MONTHS. IT WOULD PUT HER
10 BETWEEN MS. DORROUGH AND MR. TOUSANT.

11 MR. FORGE: YOUR HONOR, WE ACTUALLY -- THE
12 GOVERNMENT IS NOT ADVOCATING ANY SORT OF DEPARTURE IN THIS
13 CASE. I REALIZE THE PLEA AGREEMENT ALLOWS MS. MITCHELL TO
14 ARGUE FOR 84 MONTHS. BUT BY INCLUDING THAT IN THE PLEA
15 AGREEMENT, WE CERTAINLY DIDN'T MEAN TO INDICATE OR SIGNAL
16 THAT THE GOVERNMENT WAS IN AGREEMENT WITH THAT. THE FACT OF
17 THE MATTER IS THIS IS A MANDATORY MINIMUM OFFENSE.

18 THE COURT: LET'S STOP THERE. MS. WILLIS (SIC) --
19 I MEAN, MS. MITCHELL, IT IS PROBABLY IN YOUR CLIENT'S BEST
20 INTEREST THAT I ORDER A PRE-SENTENCE REPORT.

21 MS. MITCHELL: I UNDERSTAND, YOUR HONOR. WOULD IT
22 BE POSSIBLE FOR THE MATERIALS THAT WERE SUBMITTED AS PART OF
23 THE SENTENCING MEMORANDUM TO FORM A BASIS OF A COMBINATION OF
24 CIRCUMSTANCES TO BE USED --

25 THE COURT: YES, IT CAN. BUT I READ ALL OF THAT.

1 THE PROBLEM IS, I JUST DON'T KNOW ENOUGH ABOUT YOUR CLIENT.
2 I REALLY NEED TO KNOW MORE. WE ONLY ORDERED A CRIMINAL
3 HISTORY CHECK. THAT'S ALL PROBATION HAS DONE. THEY HAVEN'T
4 TALKED TO ANY RELATIVE. THEY HAVEN'T DONE ANYTHING. I'M NOT
5 CRITICIZING ANYBODY. WHEN YOU ARE ASKING FOR THAT TYPE OF
6 DEPARTURE IN THIS TYPE OF CASE, I'M NOT SAYING I WILL DO IT
7 AND I'M NOT SAYING I WON'T DO IT. I DO NEED SOME MORE
8 INFORMATION SO I CAN HOPEFULLY MEANINGFULLY EXERCISE MY
9 DISCRETION.

10 MS. MITCHELL: YOUR HONOR, MAY I HAVE A MOMENT?

11 THE COURT: SURE.

12 MR. FORGE: YOUR HONOR, I DON'T KNOW IF THIS
13 ADDRESSES THE COURT'S ISSUES AND BE ACCEPTABLE TO
14 MS. MITCHELL AND MS. WILLIS. THE GOVERNMENT DOESN'T HAVE ANY
15 PROBLEM WITH THE LETTERS SUBMITTED ON BEHALF OF MS. WILLIS,
16 IF THE COURT FEELS THAT PROVIDES A SUFFICIENT DESCRIPTION OF
17 HER BACKGROUND.

18 THE COURT: NO, IN A CASE LIKE THIS, MR. FORGE, I'M
19 SERIOUSLY CONSIDERING DEPARTING ON THE PSYCHE CASE, I NEED A
20 PRE-SENTENCE REPORT. OBVIOUSLY EVERYBODY ISN'T AGREEING AND
21 THAT IS FINE. IN ORDER TO EXERCISE MY DISCRETION, I NEED
22 SOMETHING FROM AN INDEPENDENT SOURCE TO BASE IT ON.

23 MR. FORGE: I SEE.

24 THE COURT: AGAIN, I'M NOT SAYING I WILL OR WON'T
25 DEPART. I'M JUST SAYING I HAVE TO HAVE SOMETHING ON WHICH TO

1 MAKE THAT DECISION.

2 MS. MITCHELL: WOULD IT BE POSSIBLE FOR US TO
3 CONTINUE THE SENTENCING TWO WEEKS TO ALLOW ME TIME TO GIVE
4 THE COURT AN INDEPENDENT CONFIRMATION OF ALL THE INFORMATION
5 THAT'S IN THE SENTENCING MEMORANDUM? FOR INSTANCE, PROVIDE
6 ALL THE DOCUMENTATION THAT THE PROBATION OFFICER GENERALLY
7 PROVIDES TO CONFIRM THE INFORMATION THERE?

8 THE COURT: WELL, I'M NOT SO SURE THAT'S GOING TO
9 HELP ME THAT MUCH, MS. MITCHELL. THAT'S THE PROBLEM. THE
10 GOVERNMENT IS PRETTY CLEAR IT WANTS AT LEAST THE LOW END OF
11 THE GUIDELINES, 135 MONTHS. YOU'RE SEEKING 84 MONTHS, WHICH
12 IS WHAT YOU ARE PERMITTED TO SEEK BEFORE WHAT YOU ARE
13 PERMITTED TO SEEK TO THE PLEA AGREEMENT. THAT'S A VERY WIDE
14 DISPARITY TO A CASE INVOLVING THESE TYPES OF CHARGES. I'M
15 NOT COMFORTABLE GOING ONE WAY OR THE OTHER UNLESS I HAVE
16 SOMETHING FROM THE THIRD PARTY. I KNOW YOU ARE REPRESENTING
17 YOUR CLIENT. THEY ARE REPRESENTING THEIR CLIENT. I'M KIND
18 OF CAUGHT IN THE MIDDLE.

19 MS. MITCHELL: I UNDERSTAND, YOUR HONOR. WE ARE
20 ACTIVELY SEEKING TO NOT HAVE TO DO A PRE-SENTENCE REPORT IN
21 THE CASE TO PROVIDE MS. WILLIS THE BEST OPPORTUNITY TO NOT
22 REGISTER HER AS A SEX OFFENDER. IF THE COURT IS SEEKING ANY
23 CONFIRMATION --

24 THE COURT: HOW IS ORDERING A PRE-SENTENCE REPORT
25 GOING TO AFFECT THAT ONE WAY OR THE OTHER? THE CHARGES SHE

1 PLEAD TO --

2 MS. MITCHELL: I UNDERSTAND THAT, YOUR HONOR. MY
3 UNDERSTANDING, BASED ON THE WAY THAT THE INDIVIDUALS HAVE TO
4 REGISTER, THE BOP CAN TAKE INTO CONSIDERATION FACTS THAT ARE
5 INCLUDED WITHIN THE PRE-SENTENCE REPORT. IF THEY WERE TO
6 READ THE FACTS OF THE OFFENSE IN THE PRE-SENTENCE REPORT,
7 THEY COULD THEN REFER THE CASE TO HAVE MS. WILLIS REGISTER.

8 THE COURT: THAT'S A RISK. I CAN'T ADVISE YOU WHAT
9 TO DO. I CAN'T ADVISE YOU OR THE GOVERNMENT WHAT TO DO. I
10 THINK I STATED MY POSITION PRETTY CLEARLY. THERE IS NOTHING
11 MORE THAT I CAN SAY. EITHER THEY WANT A PRE-SENTENCE REPORT
12 OR YOU WANT TO TRY TO NEGOTIATE SOMETHING ELSE WITH THE
13 GOVERNMENT. I DON'T KNOW WHAT YOU WANT TO DO. I'M NOT
14 ADVISING YOU ONE WAY OR THE OTHER. IF YOU WANT, YOU CAN PUT
15 IT OVER FOR STATUS FOR A WEEK SO YOU AND MR. FORGE CAN TALK
16 ABOUT IT SOME MORE, THEN THAT'S FINE.

17 MS. MITCHELL: MS. WILLIS IS INDICATING SHE WISHES
18 TO GO FORWARD WITH THE SENTENCING AT THIS TIME.

19 THE COURT: FINE. MY TENTATIVE, THEN, IN THAT
20 CASE, MY TENTATIVE WOULD BE TO GIVE HER A TWO-LEVELS
21 DEPARTURE FOR A COMBINATION OF FACTORS. I WOULD GO TO THE
22 LOW END OF THE ADJUSTED GUIDELINE RANGE. I WILL LISTEN TO
23 EVERYBODY.

24 MS. MITCHELL: ONE MOMENT, YOUR HONOR.

25 THE COURT: IT'S 108 TO 135 MONTHS IS THE GUIDELINE

1 RANGE, IF THAT'S WHAT YOU ARE TRYING TO FIGURE OUT.

2 MS. MITCHELL: IN THIS MATTER, WE CONTINUE TO URGE
3 THE COURT TO GO DOWN AN ADDITIONAL LEVELS TO PLACE HER AT THE
4 TWO ADDITIONAL LEVELS EVENTUALLY PLACING HER AT 84 MONTHS.

5 IN THIS CASE, MS. WILLIS, AS THE DOCUMENTS TO THE
6 COURT INDICATE, HER FAMILY, ESSENTIALLY, CONFIRMS ALL OF THE
7 FACTS OF HER STORY. THEY, ESSENTIALLY, CONFIRM EVERY SINGLE
8 THING THAT WAS MENTIONED IN HER PRE-SENTENCE REPORT. SHE WAS
9 19 WHEN THIS STARTED. SHE IS 21 NOW. SHE IS A YOUNG WOMAN
10 WHO, AS THE COURT HAS RECOGNIZED, IS THE LEAST CULPABLE OF
11 ALL THE INDIVIDUALS INVOLVED.

12 ON THE DAY OF THE OFFENSE, SHE HAD MET UP WITH HER
13 FRIENDS AND AS SAID, OF COURSE, ENDED IN AN UNFORTUNATE
14 SPIRAL THAT ENDED UP WITH HER BEING PRESENT BEFORE THE COURT.

15 WHAT I WOULD MOST LIKE TO EMPHASIZE BEFORE THE
16 COURT ARE THE FACTORS SEPARATE AND APART FROM THE DAY OF THE
17 OFFENSE, THE FACTORS THAT MAKE UP MS. WILLIS AS AN
18 INDIVIDUAL. SHE HAS GROWN UP WITH A CLOSE KNIT FAMILY,
19 PRESENT WITH HER IN COURT ARE HER MOTHER, HER SISTER, AND
20 THEY ARE ALL HERE TO SUPPORT HER, AS THEY HAVE BEFORE, AND
21 WILL CONTINUE TO SUPPORT HER AFTERWARDS.

22 SHE IS A MOTHER OF A YOUNG SON WHO SHE
23 UNFORTUNATELY HAS BEEN SEPARATED FROM AS THE COURSE OF THIS
24 EVENT. AND HER SOLE FOCUS IN THE COURSE OF THE PLEADINGS AND
25 COURSE OF HER BEHAVIOR HERE IN EVERYTHING IS TO BE ABLE TO

1 SPEND TIME WITH HIM AGAIN.

2 NOW, MS. WILLIS IS A PERSON WHO HAS WORKED HER
3 ENTIRE LIFE. SHE HAS WORKED AT WALMART. SHE WORKED AT
4 MCDONALD'S. SHE WORKED AT A NUMBER OF PLACES. MINIMUM WAGE
5 JOBS, BUT THEY WERE WHAT SHE COULD DO. SHE WENT TO HIGH
6 SCHOOL. SHE GRADUATED FROM HIGH SCHOOL WHILE PREGNANT. SHE
7 EVENTUALLY HAD HER SON, MOVED IN WITH THE FATHER OF HER SON
8 BECAUSE HER MOTHER THREW HER OUT TO TEACH HER A LESSON AND
9 WANTED HER TO BE INDEPENDENT, WHICH SHE WAS. SHE LIVED IN AN
10 APARTMENT WITH HIM. THEY HAD A JOB, THEY WORKED TOGETHER.
11 IT WAS ONLY AFTER SHE LOST HER JOB THAT SHE HAD TO MOVE BACK
12 IN WITH HER MOTHER AND UNFORTUNATELY THAT RELATIONSHIP ENDED.
13 THROUGH IT ALL, MS. WILLIS HAS REMAINED A PERSON FOCUSED ON
14 GETTING BACK TO HER SON AND FOCUSED ON TRYING TO GET BACK TO
15 HER SON AND THAT IS THE REASON WHY SHE PLEAD GUILTY THE WAY
16 SHE DID, THE REASON WHY SHE IS TRYING TO GET THE LEAST AMOUNT
17 OF TIME POSSIBLE.

18 SOME OF THE LETTERS THAT I DIDN'T GET THE CHANCE TO
19 INCLUDE TO THE COURT, BUT THAT I RECEIVED LATE IN THE DAY ON
20 FRIDAY, WERE LETTERS FROM HER CHURCH. HER PASTOR IS ACTUALLY
21 HERE PRESENT IN COURT. THERE ARE A NUMBER OF LETTERS FROM
22 INDIVIDUALS IN HER CHURCH WHO FEEL THAT SHE IS A PERSON WHO
23 MADE A POOR CHOICE, BUT THEY DON'T THINK THE POOR CHOICE
24 SHOULD DEFINE WHO SHE IS. SHE IS GREATER THAN THAT CHOICE,
25 AND GREATER THAN WHAT HAPPENED AND SHE IS, IN HER HEART, A

1 GOOD PERSON.

2 ONE OF THE MOST TELLING THINGS ABOUT MS. WILLIS IS
3 THE FACT IT COULD HAVE BEEN HER. THERE IS VERY LITTLE
4 DIFFERENCE BETWEEN THE COMPLAINING WITNESS IN THIS CASE, MS.
5 ****, EXCUSE ME -- VERY LITTLE DIFFERENCE BETWEEN THE
6 COMPLAINING WITNESS IN THIS CASE AND MS. WILLIS. SHE VERY
7 EASILY COULD HAVE BEEN HER. I BELIEVE THE MEMO SUBMITTED TO
8 THE COURT INDICATES WHY MS. WILLIS COULD HAVE EASILY SWITCHED
9 PLACES WITH HER. SHE IS A PERSON WHO HAS BEEN IN A SIMILAR
10 TYPE OF SITUATION. SHE IS A PERSON WHO HAS GONE THROUGH THIS
11 TYPE OF THING. SHE IS NOT A PERSON WHO'S SO SEPARATED AND
12 REMOVED FROM THE SITUATION THAT SHE DOESN'T HAVE AN
13 UNDERSTANDING OF WHAT'S GOING ON, AND THAT STRIKES HER BOTH
14 WAYS. IT'S SOMETHING THAT'S NEGATIVE AND POSITIVE FOR HER.

15 BUT IT WAS HARD FOR ME WHEN I WAS LOOKING AT THIS
16 CASE TO LOOK AT THIS CASE AND TRY AND FIGURE OUT HOW SOMEONE
17 COULD HAVE BEEN THERE AND HOW THIS COULD HAVE HAPPENED WHERE
18 YOU KNOW YOU JUST LOOK AT THIS AND WHY DIDN'T YOU DO THIS?
19 WHY DIDN'T YOU STEP AWAY? WHY DIDN'T YOU SAY STOP?

20 AND I THINK THAT JUST THE ENVIRONMENT SHE HAS GROWN
21 UP IN, THE THINGS SHE HAS SEEN, THE THINGS SHE EXPERIENCED
22 HAS SHOWN WHAT WAS GOING ON THAT DAY IN THAT HOTEL ROOM WAS
23 NOT SOMETHING THAT WAS SO FAR IN A WAY DIFFERENT FROM THE
24 EXPERIENCES THAT MS. WILLIS HAS HAD GROWING UP, AND THE
25 EXPERIENCES THAT SHE HAS GONE THROUGH THAT WOULD MAKE IT SEEM

1 ABSOLUTELY AS APPARENT TO HER AS IT WOULD TO ANY OTHER
2 INDIVIDUAL WHO'S LOOKING AS AN INDEPENDENT OBSERVER.

3 THIS IS HER LIFE. GOOD, BAD, UGLY THIS IS HER
4 LIFE. IT'S A LIFE THAT SHE HAS LIVED, AND IT'S A LIFE THAT
5 SHE IS TRYING TO STEP AWAY FROM. IT'S NOT SOMETHING THAT SHE
6 IS REPEATEDLY INVOLVED IN. IT'S NOT SOMETHING THAT SHE HAS
7 TAKEN STEPS TO ACTIVELY PIMP OR PAY FOR INDIVIDUALS. SHE IS
8 NOT A PERSON WHO IS INVOLVED IN THE GAIN.

9 SHE IS WOMAN WHO MADE A POOR DECISION TO HANG OUT
10 WITH SOME FRIENDS ON A NIGHT THAT SHE SHOULD HAVE STOPPED
11 SOMETHING AND SHE SHOULD NOT HAVE GONE ALONG WITH THE THINGS
12 OTHER PEOPLE WERE DOING. SHE SHOULD NOT HAVE TAKEN THE ROLE
13 THAT SHE TOOK. BUT SHE IS NOT A PIMP. SHE IS HERSELF AS,
14 ESSENTIALLY, THE SAME KIND OF VICTIM THAT COMPLAINING WITNESS
15 IS.

16 SHE IS A PERSON WHO LOOKED AROUND AT HER
17 SURROUNDINGS AND THOUGHT THIS WAS AN EASY WAY TO MAKE MONEY.
18 SHE IS A PERSON WHO HAS TRIED TO RISE ABOVE THAT AND SHE HAS.
19 WHAT WE ARE ASKING THE COURT TO GIVE HER IS THE BEST
20 OPPORTUNITY TO CONTINUE TO DO THAT. WE ARE ASKING THE COURT
21 TO GIVE HER THE CHANCE TO CONTINUE TO MAKE EFFORTS TO IMPROVE
22 HERSELF, TO CONTINUE HER SCHOOLING, TO EVENTUALLY END UP
23 BEING A COUNSELOR FOR THOSE GIRLS THAT ARE IN THE SAME
24 SITUATION AS HERSELF.

25 SHE HAS A VERY, VERY BRIGHT FUTURE IN FRONT OF HER.

1 WE'RE ASKING THE COURT TO GIVE HER THE BEST OPPORTUNITY TO
2 HAVE THAT FUTURE. A SENTENCE OF 84 MONTHS WOULD DO THAT FOR
3 MS. WILLIS.

4 THE COURT: THANK YOU.

5 MS. MITCHELL: I WAS JUST GOING TO SAY, SHE MIGHT
6 WANT TO MAKE SOME STATEMENTS. I THINK HER LETTER TO THE
7 COURT IS THE BEST WRITTEN LETTER I HAVE EVER READ FROM A
8 DEFENDANT, AND MORE THAN ADEQUATELY SUMS UP HER FEELINGS OF
9 REMORSE, HER FEELINGS OF RESPONSIBILITY, AND THE FACT THAT
10 SHE IS JUST REALLY TRYING VERY HARD TO MAKE THE BEST STEPS
11 AND BEST EFFORTS FOR HERSELF AND HER SON.

12 THE COURT: THANK YOU. MR. FORGE.

13 MR. FORGE: THANK YOU, YOUR HONOR. YOUR HONOR, I'M
14 NOT GOING TO POUND THE TABLE AND DEMAND A MAXIMUM SENTENCE
15 FROM MS. WILLIS, AND SENTENCE HER NEARLY AS HIGH AS ONE THE
16 COURT JUST HANDED DOWN TO MR. JONES. I DON'T EVEN TAKE ISSUE
17 WITH PRETTY MUCH EVERYTHING THAT MS. MITCHELL SAID. I THINK
18 THAT THERE IS A VERY BIG PROBLEM IN THE COMMUNITY FROM WHICH
19 MS. WILLIS HAILS. AND I THINK THAT PROSTITUTION OF YOUNG
20 WOMEN IS VERY COMMON THERE.

21 WHERE WE DISAGREE IS REGARDING MS. WILLIS'
22 CULPABILITY ON THIS PARTICULAR EVENING. MS. WILLIS WAS NEVER
23 FORCED INTO PROSTITUTION. SHE CHOSE TO TRY IT, AS MANY YOUNG
24 MOM'S IN HER COMMUNITY TRY, AND SHE HATED IT. AND SHE
25 RESPONDED TO THAT REVULSION BY THEN HELPING OTHERS TO FORCE A

1 14 YEAR OLD TO DO WHAT MS. WILLIS, HERSELF, HATED TO DO. AND
2 SHE WAS THE MOST CULPABLE IN TERMS OF THE FORCE APPLIED TO
3 THAT VICTIM, THAT 14-YEAR-OLD GIRL. SHE IS THE ONE THAT
4 STRUCK HER, AND WE JUST CAN'T IGNORE THAT.

5 MS. WILLIS DID NOT, AS MS. DORROUGH DID, PLEAD
6 GUILTY EARLY AND COOPERATE AND TESTIFY AT TRIAL. SO, FROM
7 OUR PERSPECTIVE, I HAVE A HARD TIME SITTING BACK AND NOT
8 OBJECTING OR AGREEING TO A SENTENCE FOR MS. WILLIS THAT WOULD
9 PUT HER BELOW THE SENTENCE THAT MS. DORROUGH RECEIVED.
10 BECAUSE MS. DORROUGH EARNED THAT BREAK THAT SHE RECEIVED IN
11 HER SENTENCE. WE ACCOMMODATED MS. WILLIS' LACK OF PIMPING
12 HISTORY BY GETTING HER A CHARGE THAT, BY THE CHARGE ITSELF,
13 DID NOT AUTOMATICALLY REQUIRE HER TO REGISTER AS SEX
14 OFFENDER. WE DID TAKE THAT INTO ACCOUNT IN THE CHARGE
15 BARGAINING THAT TOOK PLACE HERE.

16 I DON'T THINK, GIVEN MS. WILLIS' HISTORY, SHE IS
17 SOMEONE WHO'S A RISK TO REPEAT THIS TYPE OF OFFENSE AND
18 THAT'S WHY WE WERE WILLING TO DO THAT CHARGE BARGAIN. NONE
19 OF THAT REALLY ADDRESSES HER CONTROL THAT EVENING AND THE
20 SIGNIFICANCE OF WHAT SHE DID, AND THE DISPARITY BETWEEN WHAT
21 SHE DID AFTER THAT EVENING AND WHAT MS. DORROUGH DID THAT
22 EVENING.

23 GIVEN YOUR HONOR'S TENTATIVE TO GO TWO LEVELS DOWN,
24 I'M NOT GOING TO ASK FOR THE HIGH OF END OF THAT RANGE. A
25 108-MONTH SENTENCE WOULD BE 16 MONTHS HIGHER THAN WHAT

1 MS. DORROUGH RECEIVED, AND GIVEN THE DIFFERENCE TO THE POST-
2 OFFENSE CONDUCT, I THINK THAT WOULD BE APPROPRIATE.

3 THE COURT: THANKS, MR. FORGE. MS. WILLIS, I HAVE
4 READ YOUR LETTER, BUT IF THERE IS ANYTHING ELSE YOU WOULD
5 LIKE TO SAY YOU CAN. THAT'S YOUR CHOICE.

6 DEFT. WILLIS: I WOULD LIKE TO APOLOGIZE TO THE
7 COURT'S. I WOULD LIKE TO APOLOGIZE TO MY FAMILY FOR THE
8 EMBARRASSMENT I PUT THEM THROUGH. I APOLOGIZE TO MY SON FOR
9 NOT BEING THERE LIKE I SHOULD HAVE.

10 YOUR HONOR, I WANT TO CHANCE TO BE A MOM TO MY SON
11 AND TAKE CARE OF HIM. THIS IS SOMETHING -- IT'S NOT ME.
12 IT'S NOT MY CHARACTER. I MADE A MISTAKE AND I'M SORRY. I
13 JUST WANT A CHANCE TO GO ON WITH MY LIFE. I WANT TO GO BACK
14 TO SCHOOL. I WANT TO HELP GIRLS THAT ARE IN THE SITUATION
15 LIKE THIS BECAUSE IT'S COMMON, LIKE YOU SAID, IT'S COMMON.
16 AND THEY NEED HELP. THEY NEED SOMEBODY THAT'S BEEN THERE.
17 THAT KNOWS WHAT'S GOING ON, AND I BELIEVE I CAN HELP A LOT OF
18 PEOPLE. PRISON I'VE LEARNED SO MUCH. I'VE BEEN IN JAIL FOR
19 TWO YEARS. I'VE GROWN FROM A GIRL TO A WOMAN IN HERE. I'VE
20 LEARNED SO MUCH IN HERE AND REALIZED ALL MY MISTAKES IN MY
21 LIFE. I'M JUST A PERSON -- I CAME IN HERE AS GIRL AND I'M A
22 WOMAN NOW. I'M SORRY FOR THE MISTAKES THAT I DID, AND I JUST
23 WANT ANOTHER CHANCE TO LIVE MY LIFE, TO BE JUST AN ACTIVE
24 PERSON IN SOCIETY AND HELP MY SOCIETY OUT.

25 THE COURT: IT SOUNDS LIKE YOU LEARNED YOUR LESSON

1 AND I HOPE YOU ARE SINCERE. YOU OBVIOUSLY HAVE GOOD FAMILY
2 SUPPORT. TAKE ADVANTAGE OF THAT WHEN YOU GET OUT. OKAY?

3 DEFT. WILLIS: YES, SIR.

4 THE COURT: ANYTHING FURTHER, MS. MITCHELL,
5 MR. FORGE?

6 MR. FORGE: NO, YOUR HONOR. THANK YOU.

7 MS. MITCHELL: UM, YOUR HONOR, JUST AS AN ASIDE, I
8 BELIEVE THAT MS. WILLIS SERVED APPROXIMATELY 193 DAYS IN
9 STATE CUSTODY BEFORE SHE WAS BROUGHT OVER TO FEDERAL CUSTODY.
10 WE WOULD ASK THAT THAT TIME BE TAKEN INTO CONSIDERATION IN
11 ANY SENTENCE THAT'S PROVIDED.

12 ADDITIONALLY, WE WOULD ASK FOR PLACEMENT FOR
13 MS. WILLIS IN TEXAS, IF AT ALL POSSIBLE. IT'S THE CLOSEST
14 LOCATION TO THE FEMALE FACILITY TO WHERE HER SON RESIDES WITH
15 HIS FATHER.

16 THE COURT: I ASSUME THE GOVERNMENT HAS NO
17 OBJECTION TO THAT RECOMMENDATION?

18 MR. FORGE: THAT'S CORRECT, YOUR HONOR. ON BOTH
19 THOUGHTS. WE ALSO AGREE MS. WILLIS SHOULD RECEIVE CREDIT FOR
20 TIME SERVED SINCE SEPTEMBER 30TH, OF '08.

21 THE COURT: I AGREE. I WILL ORDER THAT SHE RECEIVE
22 CUSTODY CREDITS FROM SEPTEMBER 30, 2008, WITH THE CONCURRENCY
23 OF THE GOVERNMENT.

24 THE SOUTH CENTRAL DISTRICT OF TEXAS, MS. MITCHELL,
25 AND I WILL MAKE THAT RECOMMENDATION. ANYTHING FURTHER FROM

1 EITHER PARTY?

2 MR. FORGE: NO, YOUR HONOR. THANK YOU.

3 THE COURT: IN THIS MATTER, THE COURT FINDS FOR
4 ADVISORY PURPOSES, THE BASE OFFENSE LEVEL IS 30. BECAUSE THE
5 OFFENSE CONDUCT INVOLVED USE OF A COMPUTER, THAT'S INCREASED
6 BY TWO LEVELS. BECAUSE THERE WAS COMMERCIAL SEX ACTS
7 INVOLVED, THE BASE OFFENSE LEVEL IS INCREASED AN ADDITIONAL
8 TWO LEVELS. I WOULD ADJUST THAT DOWNWARDS TWO LEVELS FOR
9 ACCEPTANCE OF RESPONSIBILITY PURSUANT TO GUIDELINE SECTION
10 3(E)1.1. I WOULD DEPART TWO LEVELS FOR A COMBINATION OF
11 FACTORS PURSUANT TO GUIDELINE SECTION 5(K)2.20, FOR REASONS
12 WE ALREADY STATED ON THE RECORD. SPECIFICALLY, TO AVOID
13 DISPARITY IN SENTENCING. BECAUSE SHE IS THE LEAST CULPABLE
14 OF HER FOUR DEFENDANTS AND DOES NOT HAVE A HISTORY OF SIMILAR
15 CONDUCT AS HER CO-DEFENDANTS DID.

16 THAT WOULD GIVE ME A CRIMINAL HISTORY SCORE OF
17 THREE. A CRIMINAL HISTORY CATEGORY OF TWO. AN ADVISORY
18 GUIDELINE RANGE OF 108 TO 135 MONTHS. MINDFUL OF THE FACT
19 THE STATUTORY MAXIMUM FOR THIS OFFENSE IS UP TO 20 YEARS IN
20 CUSTODY AND REVIEWING THE CRITERIA SET FORTH IN TITLE 18,
21 SECTION 3553(A), I FIND THAT THE LOW END OF THE ADJUSTED
22 GUIDELINE RANGE WOULD BE A SUFFICIENT SENTENCE BUT NOT
23 GREATER THAN NECESSARY.

24 THEREFORE, PURSUANT TO THE SENTENCING REFORM ACT OF
25 1984, IT WOULD BE THE JUDGMENT AND SENTENCE OF THIS COURT

1 THAT THE DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY
2 OF THE BUREAU OF PRISONS FOR A TERM OF IMPRISONMENT OF 108
3 MONTHS.

4 A STATUTORY FINE IS NOT IMPOSED DUE TO HER
5 INABILITY TO PAY. I WOULD IMPOSE A MANDATORY SPECIAL
6 ASSESSMENT OF \$100.

7 I WILL ALSO ORDER SHE PAY RESTITUTION IN THE AMOUNT
8 OF \$2,160, JOINT AND SEVERALLY LIABLE WITH HER CO-DEFENDANTS.
9 THAT AMOUNT IS TO BE PAID THROUGH THE CLERK OF THE US
10 DISTRICT COURT, THROUGH THE CALIFORNIA VICTIM COMPENSATION
11 AND GOVERNMENT CLAIMS BOARD. PAYABLE FORTHWITH THROUGH THE
12 INMATE FINANCIAL RESPONSIBILITY PROGRAM AT A RATE OF \$25 PER
13 QUARTER DURING THE PERIOD OF INCARCERATION. WITH THE PAYMENT
14 OF ANY REMAINING BALANCE TO BE MADE FOLLOWING THE DEFENDANT'S
15 RELEASE FROM PRISON AT A RATE OF \$200 OR MORE PER MONTH.

16 UPON YOUR RELEASE FROM CUSTODY, MS. WILLIS, YOU
17 WILL BE PLACED ON SUPERVISED RELEASE FOR A PERIOD OF THREE
18 YEARS. I WILL IMPOSE ALL THE STANDARD TERMS AND CONDITIONS
19 OF SUPERVISION AND THE FOLLOWING SPECIAL CONDITIONS.

20 FIRST, I WANT YOU TO REPORT ANY VEHICLES THAT YOU
21 OWN OR OPERATE OR IN WHICH YOU HAVE AN INTEREST TO YOUR
22 SUPERVISING PROBATION OFFICER.

23 YOU ARE TO SUBMIT TO A SEARCH OF YOUR PERSON,
24 PROPERTY, PLACE OF RESIDENCE, VEHICLE OR PERSONAL EFFECTS
25 WHENEVER REQUESTED TO DO SO AT A REASONABLE TIME AND

1 REASONABLE MANNER BY A PROBATION OFFICER OR LAW ENFORCEMENT
2 OFFICER.

3 YOU ARE NOT TO HAVE ANY UNSUPERVISED CONDUCT WITH
4 ANY CHILD UNDER THE AGE OF 18, UNLESS IN THE PRESENCE OF A
5 SUPERVISING ADULT WHO IS AWARE OF CONVICTION IN THIS OFFENSE.
6 AND THE PRIOR APPROVAL OF YOUR SUPERVISING PROBATION OFFICER.

7 YOU ARE NOT TO HAVE ANY CONDUCT, DIRECT OR
8 TELEPHONICALLY, VISUALLY, VERBALLY, OR THROUGH WRITTEN
9 MATERIAL OR THROUGH ANY THIRD-PARTY COMMUNICATION WITH THE
10 VICTIM OR THE VICTIM'S FAMILY WITHOUT THE APPROVAL OF YOUR
11 SUPERVISING PROBATION OFFICER.

12 DON'T ASSOCIATE WITH OR HAVE ANY CONTACT WITH SEX
13 OFFENDERS UNLESS IN APPROVED TREATMENT OR COUNSELING
14 SESSIONS.

15 AND DON'T BE EMPLOYED OR PARTICIPATE IN ANY
16 VOLUNTEER ACTIVITY THAT INVOLVES CONTACT WITH CHILDREN UNDER
17 THE AGE OF 18 EXCEPT IN CIRCUMSTANCES APPROVED IN ADVANCE AND
18 BY YOUR SUPERVISING PROBATION OFFICER.

19 DOES THE GOVERNMENT REQUEST ANY FURTHER --

20 MR. FORGE: NO, YOUR HONOR.

21 THE COURT: I WILL, AGAIN, RECOMMEND TO THE BUREAU
22 OF PRISONS THAT SHE RECEIVE CUSTODY CREDITS AS OF SEPTEMBER
23 30, 2008, AND SHE BE HOUSED IN THE SOUTHERN -- SOUTH CENTRAL
24 DISTRICT OF TEXAS. GOOD LUCK TO YOU, MS. WILLIS.

25 MR. FORGE: YOUR HONOR, JUST FOR THE RECORD, IN

1 LIGHT OF THE COURT'S SENTENCE, MS. WILLIS HAS WAIVED HER
2 RIGHT TO APPEAL OR COLLATERALLY ATTACK THE SENTENCE.

3 THE COURT: IS THAT CORRECT?

4 MS. MITCHELL: THAT IS CORRECT.

5 THE COURT: ALL RIGHT. THANK YOU.

6 MR. FORGER: THANK YOU.

7 THE COURT: YOU ARE WELCOME.

8 (WHICH WERE ALL THE PROCEEDINGS
9 HELD IN THE ABOVE-ENTITLED CAUSE.)

